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OFFICE OF PETITIONS

In re Patent No. 6,482,950	:
Issue Date: November 19, 2002	:
Application No. 08/479,077	: DECISION ON PETITION
Filed: June 6, 1995	:
Inventors: Garcia, et al.	:

This is a decision on the petition under 37 CFR 1.182, filed November 21, 2011, to re-record an assignment document.

The petition is **DISMISSED**. This is not a final agency action.

BACKGROUND

On January 31, 2007, a document totaling 389 pages was submitted to the Office for recordation as an assignment. This document was recorded at reel 019077 and frame 0001. The document submitted for recording was directed to numerous patents and patent applications. The page count listed on the cover sheet of the document, 389 pages, matches the page count of the document recorded. A blank page appears at frame 0218 of this document.

THE PETITION

The petition indicates that two (2) pages in the document recorded at Reel 019077 and Frame 0001 are omitted or are otherwise incorrect. Specifically, the petition alleges that a signature page that includes the signatures of Mark S. Stickel, president of Primary PDC, Inc., Thomas L. Beaudoin, COO/CFO of Polaroid Corp., and Brian M. Smith, Notary Public, is missing from the recorded document and should appear at frame 0009. The petition also alleges that the blank page that appears at frame 0218 of the recorded document was not part of the originally filed document. The petition further alleges that the omitted and incorrect pages resulted from Office error, and the petition requests that the document be re-recorded in its entirety at Office expense.

DECISION

Petitioners should note that failure to include the proper identifiers delays responding to correspondence. As set forth in MPEP 502,

All correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office must include the identification of the application number or the serial number and the filing date assigned to the application by the Office. Any correspondence not containing the proper identification set forth in 37 CFR 1.5(a) will be returned to the sender by the Office of Patent Application Processing (OPAP). Each paper should be inspected to assure that the papers being returned contain either an "Office Date" stamp or a TC date stamp. A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions.

Although the petition was submitted with the reel and frame number for the assignment document, petitions are decided within application and patent files. Furthermore, submission of a document to the assignment database will result in that document being recorded therein with no further action other than the recordation. Further, documents submitted to the assignment database must include a coversheet to ensure that they are properly routed. Accordingly, the petition filed November 21, 2011 has been considered with regard to Patent No. 6,482,950, application serial number 08/479,077, only and is not present in the files of the other cited patents or applications. Application serial number 08/479,077 is the first application cited in the assignment document cover sheet that accompanied the petition. Also, the required petition fee under 37 CFR 1.17(f), filed with the petition, has been applied to the file for Patent No. 6,482,950 only. If petitioner desires consideration of the petition in any of the other cited patent and/or application files, a separate petition under 37 CFR 1.182 (and fee) must be filed in each of the files to be considered in accordance with 37 CFR 1.4(b). However, if it is shown to the satisfaction of the Director that an error occurred on the part of the Office in application serial number 08/479,077, no further fees will be required in connection with any petition submitted in any of the remaining patent and/or application files.

The record for this matter has been reviewed. Based upon this review, no evidence has been found that any error occurred on the part of the Office in connection with the recordation of the document recorded at reel 019077 and frame 0001. The petition attached (1) a letter to Regina White of the Assignment Recordation Services branch generally alleging USPTO error, (2) a

credit card payment form, and (3) a copy of document petitioner wishes to re-record. None of these documents are sufficient evidence of Office error.

Absent evidence of Office error, the Office will not re-record the document as requested. Similar to the policy set forth in 77 Fed. Reg. 3745 (Jan. 25, 2012) for the Establishment of a One-Year Retention Period for Patent-Related Papers That Have Been Scanned Into the Image File Wrapper System or the Supplemental Complex Repository for Examiners, the records for this assignment document are presumed to be accurate. However, that presumption can be rebutted with evidence that is sufficient to overcome the presumption. See 77 Fed. Reg. 3745, at 3747. A general allegation that a paper requires correction filed without evidentiary support is not a *bona fide* request.

Any renewed petition should include a showing that the Office received the document petitioner wishes to be re-recorded rather than the document that was actually recorded. Such a showing can be made by presenting evidence of a proper Express Mail submission of the assignment document to be re-recorded with the USPS under 37 CFR 1.10 or a postcard receipt, or other receipt, affidavit or other sufficient evidence that properly identifies the assignment document and provides *prima facie* evidence that the assignment document to be re-recorded was filed. Evidence of a proper Express Mail submission includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label, or a copy of any other official notation by the USPS relied upon to show evidence of the deposit.

Telephone inquiries concerning this communication should be directed to Petitions Examiner Christopher Bottorff at (571) 272-6692.



Anthony Knight
Director
Office of Petitions

cc: Blayne D. Green
Omikron IP Law Group
16325 Boones Ferry Rd., Suite 204
Lake Oswego, OR 97035